

**BOARD OF APPEALS CASE NO. 5345**

\*

**BEFORE THE**

**APPLICANT: Basil & Elizabeth Karukas**

\*

**ZONING HEARING EXAMINER**

**REQUEST: Variance to allow a sunroom  
within the required 35 foot rear yard setback;  
703 McLean Court, Bel Air**

\*

**OF HARFORD COUNTY**

\*

**HEARING DATE: June 4, 2003**

\*

**Hearing Advertised**

**Aegis: 4/23/03 & 4/30/03**

**Record: 4/25/03 & 5/2/03**

\*

\* \* \* \* \*

## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Basil G. and Elizabeth F. Karukas, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sunroom within the 35-foot rear yard setback (27 feet proposed) in an R2/COS Urban Residential w/Conventional Open Space District.

The subject parcel is located at 703 McLean Court, Bel Air, MD 21015, is within the Brierhill Estates subdivision and is more particularly identified on Tax Map 49, Grid 2F, Parcel 60, Lot 14.

Before the Hearing Examiner appeared Mr. Basil Karukas who stated that he and his wife propose to add a sunroom to the rear of their home. The existing deck and patio will be replaced and/or reconfigured to accommodate a 16-foot by 18-1/2 foot sunroom. A patio will be constructed using brick pavers and a crawl space will exist under the proposed sunroom. The sunroom is a single story room and will match the appearance of the existing home. Four years ago, the Applicant planted arborvitae trees to the sides and rear of his lot that are now 4-6 feet in height and will serve to provide screening for adjacent properties. The Applicant stated that his is the smallest lot in the neighborhood and that sunrooms like the one he proposes are found throughout the community of Brierhill Estates. There is no other place on his property to locate a sunroom which he said is needed so he and his wife can enjoy year round living space with an outdoor appearance. The witness felt that the addition would enhance the appearance, value and utility of his home without any adverse impacts to his neighbors.

## **Case No. 5345 – Basil & Elizabeth Karukas**

Mr. Anthony McClune appeared as representative of the Department of Planning and Zoning. McClune testified that there are numerous sunrooms in this neighborhood and the one proposed will not result in any adverse impacts to adjoining properties. The parcel is the smallest lot in the subdivision and there is no other practical location on the parcel for this sunroom. The existing home is angled on the property resulting in adequate separation between properties. The existing trees will provide screening and approval is consistent with good planning and zoning principles and practices according to the witness. McClune stated that the Department found the parcel unique as the smallest lot in the neighborhood and further, that no adverse impacts would result from approval. The Department recommends approval.

### **CONCLUSION**

The Applicants, Basil G. and Elizabeth F. Karukas, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code to allow a sunroom within the 35-foot rear yard setback (27 feet proposed) in an R2/COS Urban Residential w/Conventional Open Space District.

Harford County Code Section 267-11 permits variances and provides:

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Hearing Examiner concludes that this parcel is unique. It is the smallest lot in the neighborhood and has a very small rear yard as a consequence. Because the house sits angled on the lot, however, adequate separation between adjacent homes is nonetheless achieved satisfying the intent of the Code in this regard. Similar sunrooms as that proposed are found throughout this neighborhood and Harford County and there is no evidence that this sunroom will have any adverse impacts to adjacent or neighboring properties.

**Case No. 5345 – Basil & Elizabeth Karukas**

The Hearing Examiner recommends approval of the request, subject to the Applicants obtaining any and all necessary permits and inspections.

Date JUNE 19, 2003

William F. Casey  
Zoning Hearing Examiner